

TFC Contract No. 18-095-000  
Raba Kistner, Inc.  
Assignment No. 7  
Project No. 18-009-8455

**INDEFINITE DELIVERY INDEFINITE QUANTITY  
PROFESSIONAL SERVICES AGREEMENT  
BETWEEN  
THE TEXAS FACILITIES COMMISSION  
AND  
RABA KISTNER, INC.**

**TFC CONTRACT NO. 18-095-000**

**ASSIGNMENT NO. 7**

**THIS INDEFINITE DELIVERY INDEFINITE QUANTITY ASSIGNMENT NO. 7** (hereinafter referred to as "Assignment No. 7" or "Assignment") is entered into by and between the Texas Facilities Commission, located at 1711 San Jacinto Boulevard, Austin, Texas 78701 (hereinafter referred to as "TFC") and Raba Kistner, Inc., located at 8100 Cameron Road, Suite B-150, San Antonio, Texas 78754 (hereinafter referred to as "PSP") (TFC and PSP are hereinafter referred to individually as a "Party" or collectively as "Parties"), to be effective on the Effective Date (as defined below) and the terms and conditions of which are as follows.

**DESCRIPTION OF PROJECT:** The project for which PSP agrees to provide Professional Services is generally described as providing an asbestos containing materials survey of the GJ Sutton Building and Annex located at 321 Center Street, San Antonio, Texas. Services shall include, but are not limited to: sampling and specifications for abatement (hereinafter referred to as the "Project"), as further depicted in "Exhibit A-7" PSP's IDIQ Assignment No. 7 Proposal dated November 20, 2018, attached hereto and incorporated herein for all purposes and consisting of three (3) pages.

**DURATION OF ASSIGNMENT:** The scope of services of this Assignment No. 7 shall be completed no later than December 31, 2019, unless terminated earlier as provided in Section 3.2 of the Agreement. The schedule is subject to adjustments for possible time extension; however, any extension of time must be approved by the TFC and shall require an amendment to Assignment No. 7.

**SPECIAL TERMS AND CONDITIONS OF ASSIGNMENT:** Terms and conditions shall be in accordance with the Agreement, any Special Conditions, and with this Assignment No. 7.

**SUB-CONTRACTORS TO BE UTILIZED FOR PROJECT:** PSP shall perform the services under this Assignment No. 7 with its own forces unless otherwise specified. If the scope of services is less than \$100,000.00, a HUB Subcontracting Plan (HSP) is not required. If the scope of services will exceed \$100,000.00, PSP shall submit an HSP for approval pursuant to Section 11.2 of the Agreement.

**FEE FOR BASIC SERVICES:** Fee for the services set forth in this Assignment No. 7 shall not exceed the sum of Twenty-One Thousand Two Hundred and No/100 Dollars (\$21,200.00). No more frequently than once per month, PSP shall submit a Pay Application to TFC for services

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performed and reasonable and necessary costs and expenses incurred through the last day of the previous month. Any reimbursable expenses, if allowed, shall be in accordance with Section 4.6 of the Agreement.

**IDENTIFICATION OF PSP PROJECT MANAGER AND ALL SUBCONTRACTOR:** For this Assignment No. 7, PSP shall identify the Project Manager, PSP's employees and all subcontractors assigned to this project on the List of Project Manager and Subcontractors (hereinafter referred to as the "List"), attached hereto and incorporated herein for all purposes as "Exhibit B-7."

TFC reserves the right to approve the appointment of the PSP Project Manager and to demand that the Project Manager, and any of PSP's employees or subcontractors, be removed and replaced if, in the sole opinion of TFC, their performance on this project or any other projects, is and/or was inadequate or their continued involvement with the Project is, will, or has become detrimental to the timely and successful completion of the project.

The Project Manager and Subcontractors identified in the List shall not be replaced by PSP, nor shall any other subcontractors be engaged by PSP, unless prior written consent is obtained from TFC, which consent shall not be unreasonably withheld, conditioned, or delayed.

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**ENTIRE AGREEMENT AND MODIFICATION:** The Agreement and this Assignment and their integrated attachment(s) constitute the entire agreement of the Parties and such are intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Assignment specifically displays a mutual intent to amend a particular part of this Assignment, general conflicts in language between any such attachment and this Assignment shall be construed consistently with the terms of this Assignment. Unless otherwise expressly authorized by the terms of this Assignment, no modification, renewal, extension, or amendment to this Assignment shall be binding upon the Parties unless the same is in writing and signed by the respective Parties hereto.

This Assignment shall be effective as of the date of the last Party to sign.

**TEXAS FACILITIES COMMISSION      RABA KISTNER, INC.**

By: DocuSigned by:  
Mike Novak  
B1C9FC0A8020417...

Mike Novak

Executive Director

Date of execution: 12/19/2018 | 7:40 AM CST

NRG G.C.

mx Dir.

h D.E.D.

By: DocuSigned by:  
Thomas Burr  
764F8EB39DFD407...

Thomas Burr

Sr. Vice President & COO

Date of execution: 12/18/2018 | 3:48 PM CST

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## **EXHIBIT A-7**

**PSP'S IDIQ ASSIGNMENT NO. 7 PROPOSAL DATED NOVEMBER 20, 2018**

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Exhibit A-7

Assignment No. 7

Proposal No. PSF18-661-00  
November 20, 2018



Ms. Dorothy Spearman  
Senior Project Manager  
Facilities Design & Construction  
Texas Facilities Commission  
1711 San Jacinto Boulevard  
Austin, Texas 78701

12821 W. Golden Lane  
San Antonio, TX 78249  
P.O. Box 690287  
San Antonio, TX 78269-0287  
www.rkci.com

P 210.699.9090  
F 210.699.6426  
TBPE Firm F-3257

**RE: Asbestos-Containing Materials Survey and Asbestos Abatement Specifications**  
**GJ Sutton Building and Annex**  
**321 Center Street**  
**San Antonio, Texas**

Dear Ms. Spearman:

Pursuant to your request on behalf of Texas Facilities Commission (CLIENT), Raba Kistner Environmental, Inc. (RKEI) is pleased to submit this proposal to provide an Asbestos-Containing Materials (ACM) Survey for the above-referenced property. We understand this survey is requested to supplement and confirm previous ACM surveys conducted at the GJ Sutton Building and Annex, which are locally addressed at 321 Center Street, San Antonio, Texas. RKEI understands that the asbestos surveys are needed to support the current project planning effort for the demolition of two building structures located at the above reference address. This proposal includes a brief description of pertinent project information in addition to our proposed scope of services. This proposal was prepared to define the proposed scope of services, our assumptions, time and cost information, project schedule, and procedures for authorization to initiate project activities.

## SCOPE OF WORK

### Task 1 - ACM Survey

RKEI will conduct an ACM survey at the above-referenced GJ Sutton Building Complex location for the presence of ACM pursuant to Texas Asbestos Health Protection Rules – March 2003, as regulated by the Texas Department of State Health Services (TDSHS). The survey will be intrusive in nature (destructive sampling) unless otherwise directed by CLIENT. In accordance with said rules, RKEI will collect up to three bulk samples of each homogeneous material type for laboratory analysis for asbestos content. The collected suspect ACM samples will be submitted for laboratory analysis to determine asbestos type and content by Polarized Light Microscopy coupled with Dispersion Staining (PLM/DS) in accordance with approved EPA methods of determining asbestos in the bulk samples per 40 CFR Part 763, Subpart F, Appendix A.

Upon completion of project activities and receipt of final analytical data, a letter report with appropriate graphical attachments documenting project activities and discussing collective results will be prepared for CLIENT's use. The written report will include the following elements:



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- a. Identification and location of the materials sampled;
- b. Tabulated analytical results and laboratory reports of analyses with chain-of-custody documentation;
- c. Condition assessment of positive materials identified; and
- d. Recommendations for further action.

RKEI will provide one electronic copy deliverable in PDF format for CLIENT use.

### **Task 2 – Asbestos Abatement Specifications and Material Quantification**

RKEI will utilize the services of an Individual Asbestos Consultant to prepare specifications for the abatement of ACM identified in conjunction with Task 1 activities described herein. Technical specifications for ACM removal will be prepared in accordance with applicable TDSHS requirements. ACM locations and estimated quantities will be included in the aforementioned abatement specifications to assist abatement contractors during their bidding and scoping process. The ACM abatement contractor will be required to confirm the quantities of ACM to be abated.

### **ASSUMPTIONS**

The following assumptions were made with regard to the scope of services described herein:

1. Access will be granted when needed to perform assessment activities and weather or other conditions will not preclude access and collection of ACM samples.
2. It is assumed that up to 150 types of building materials will be identified and tested in conjunction with the ACM survey efforts. Three samples will be collected of each type of building material (450 total samples).
3. Cost for laboratory analytical services is based on a normal turnaround time (3 day).

### **Environmental Services Cost and Schedule**

RKEI will perform the scope of services described herein for a **LUMP SUM FEE OF \$21,200.<sup>00</sup>**. This cost includes professional labor and collection and testing of up to 450 samples of suspect asbestos-containing building materials. Additional samples will be billed at \$10.00 and CLIENT will be advised in advance if additional sampling is needed.

RKEI will initiate this work within five business days of authorization to proceed and anticipates that a report will be prepared within 2-3 weeks following completion of ACM survey activities.

### **LIMITATIONS**

It should be noted that during its prime, asbestos was used in over 3,000 different building products and can still be found in some products today. Attempts to locate and identify "all" asbestos is beyond the scope of

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Exhibit A-7

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this survey. However, this survey will be conducted in accordance with industry standard for the identification of asbestos building materials for standing structures.

Technical plans and specifications for abatement (including material quantification), bid preparation, operations & maintenance plans, or removal of hazardous materials are not included in this scope of work.

The scope of work does not include assessment and sampling of improvements (bollards, signs, paving, foundations, fencing, etc.) located outside the onsite building structures.

RKEI will not be responsible for roof repairs from roof sample locations.

#### ACCEPTANCE

We appreciate the opportunity to submit this proposal and look forward to working with you in the execution of this project. This proposal and scope of services will be conducted in accordance with TFC Contract No. 18-095-00 Indefinite Delivery Indefinite Quantity Professional Service Agreement between the Texas Facilities Commission and Raba Kistner, Inc.

The scope and fees associated with this proposal are valid for 120 days from issuance.

Very truly yours,

**RABA KISTNER ENVIRONMENTAL, INC.**



Brian D. Strye, M.S.  
Environmental Project Manager



Richard V. Klar, P.G.  
Vice President

BDS/srw

Copies Submitted: Above (1 Electronic PDF Copy)

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## **EXHIBIT B-7**

### **LIST OF PSP'S PROJECT MANAGER AND SUBCONTRACTORS**



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 Exhibit B-7

**LIST OF PSP PROJECT MANAGER  
 AND  
 SUBCONTRACTORS  
 (Name, Company Name, Address & Contact Person (Project Manager))**

A. PSP Project Manager:	Brian Strye Raba Kistner Environmental 12821 W. Golden Lane, San Antonio, Texas 78249 210-844-6131 bstrye@rkci.com
B. Subcontractors:	
	1. Fernando Martinez Dios Dado Environmental Ltd. 9330 Corporate Drive Suite 301, Selma, Texas 78154 210-651-0570 famartinez1@yahoo.com
	2. _____ (Name) _____ (Company) _____ (Address) _____ (Cell #) _____ (Email)
	3. _____ (Name) _____ (Company) _____ (Address) _____ (Cell #) _____ (Email)
	4. _____ (Name) _____ (Company) _____ (Address) _____ (Cell #) _____ (Email)